

1 John W. Carpenter, Esq. (Bar No. 221708)  
 2 Technology Licensing Company Inc.  
 3 33 ½ Los Pinos  
 4 Nicasio, CA 94946  
 5 Telephone: (415) 577-0698  
 6 Facsimile: (866) 410-6248  
 7 Email: john@jwcarpenterlaw.com

8 *Attorney for Plaintiff*  
 9 *Technology Licensing Company Inc.*

E-filing

10 IN THE UNITED STATES DISTRICT COURT  
 11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 12 SAN FRANCISCO DIVISION

EMC

13 **Technology Licensing Company, Inc.,**

14 Plaintiff

15 v.

16 **Curtis International Ltd**

17 Defendant

Case No. **09**

**4453**

**COMPLAINT FOR PATENT  
 INFRINGEMENT, INDUCING PATENT  
 INFRINGEMENT, AND CONTRIBUTORY  
 PATENT INFRINGEMENT**

**DEMAND FOR JURY TRIAL**

28 Complaint for Patent Infringement

Case No.: \_\_\_\_\_ Technology Licensing Co v. Curtis International Ltd

**COMPLAINT FOR PATENT INFRINGEMENT INDUCING PATENT INFRINGEMENT,  
AND CONTRIBUTORY PATENT INFRINGEMENT**

Plaintiff, Technology Licensing Company Inc., complains of and for causes of action against Defendant, Curtis International Ltd, alleges as follows:

Nature of the Case

1. This is an action arising under the Patent Laws and Statutes of the United States in which Plaintiff seeks to recover for patent infringement, and for inducing patent infringement, and for contributory infringement, and for any and all damages and costs flowing therefrom.

Jurisdiction and Venue

2. The Court has exclusive jurisdiction of the patent infringement claim, the inducement of patent infringement claim, and the contributory infringement claim, all asserted in this case pursuant to the Patent Laws and Statutes of the United States (e.g., 35 U.S.C. §§ 271, *et seq.* and § 281) including 28 U.S.C. §§ 1331, 1338, 2201-2202. Venue is proper in this district under 28 U.S.C § 1391.

The Parties

3. Plaintiff, Technology Licensing Company Inc. ("Plaintiff") is a California Corporation with a principal place of business in Nicasio, California.

4. Defendant, Curtis International Ltd. ("Defendant") is a Canadian Corporation having a principal place of business in Etobicoke, Ontario, M9W 5C1.

Complaint for Patent Infringement

Case No.: \_\_\_\_\_ Technology Licensing Co v. Curtis International Ltd

Plaintiff's Patent

5. Plaintiff is the owner of United States No.5,734,862 ("the Patent") which was duly issued on March 31, 1998. The Patent concerns *inter alia* embodiments for a system and method for making and/or viewing DVDs.

**COUNT I****(Patent Infringement)**

6. This COUNT is instituted against Defendant for infringement (i.e., direct infringement) of the Patent.

7. Plaintiff repeats and realleges the allegations set forth in paragraphs 1-5.

8. On information and belief, Defendant is infringing, or has infringed, the Patent in this Judicial District and elsewhere in the United States by manufacturing and/or selling and/or offering for sale and/or importing and/or using embodiments of the invention of the Patent.

9. On information and belief, at least one embodiment of the invention of the Patent which Defendant is infringing, and/or has infringed, operates, at least in part, in accordance with and/or complies, at least in part, with technical standards generally adhered to by the DVD Player Industry.

10. On information and belief, at least one embodiment of the invention of the Patent which Defendant is infringing, or has infringed, operates at least in part in accordance with and/or complies at least in part with "DVD Specifications for read-Only Disc, Part 3 VIDEO

1 SPECIFICATIONS," Version 1.13, March 2002, published by DVD Format/Logo Licensing  
2 Corporation.

3  
4 11. Plaintiff has suffered damages by reason of Defendant's infringement of the Patent,  
5 and will suffer additional damages unless Defendant is enjoined by the Court from continuing to  
6 infringe the Patent.

7  
8 12. On information and belief, Defendant's infringement of the Patent has been willful  
9 and deliberate, thus warranting an increase of the damages recoverable by Plaintiff under the  
10 provisions of 35 U.S.C. § 284, up to three times the amount of actual damages sustained by  
11 Plaintiff, and also making this an exceptional case within the meaning of 35 U.S.C. § 285.

## 12 13 14 **COUNT II**

### 15 **(Actively Inducing Patent Infringement)**

16  
17 13. This COUNT is instituted against Defendant for actively inducing patent infringement.

18 14. Plaintiff repeats and realleges the allegations set forth in paragraphs 1-5.

19  
20 15. On information and belief, Defendant is manufacturing and/or selling and/or using  
21 and/or offering for sale and/or importing to persons in this Judicial District and elsewhere in the  
22 United States embodiments of the invention of the Patent.

23  
24 16. On information and belief, when Defendant makes and sells and/or offers to sell to  
25 persons, embodiments of the invention of the Patent in this Judicial District and elsewhere in the  
26 United States, the sales are accompanied with documents, written instructions, and/or other  
27 instructions, from Defendant on how to operate embodiments of the invention of the Patent.  
28

Complaint for Patent Infringement

Case No.: \_\_\_\_\_ Technology Licensing Co v. Curtis International Ltd

TLC  
33 1/2 Los Pinos  
Nicasio, California 94946

1 17. On information and belief, when Defendant accompanies its sales and/or offers to sell  
2 to persons with documents, written instructions, and/or other instructions, on how to operate  
3 embodiments of the invention of the Patent, Defendant was and is aware that such documents,  
4 written instructions, and/or other instructions, are inducing the persons to infringe the claims of  
5 the Patent. On further information and belief, Defendant thereby has actively induced and/or is  
6 actively inducing the persons in this Judicial District and elsewhere in the United States to infringe  
7 the claims of the Patent.  
8

10 18. On information and belief, at least one embodiment of the invention of the Patent  
11 which Defendant is actively inducing infringement, and/or has actively induced infringement,  
12 operates, at least in part, in accordance with and/or complies, at least in part, with technical  
13 standards generally adhered to by the DVD Player Industry.  
14

15 19. On information and belief, at least one embodiment of the invention of the Patent  
16 which Defendant is actively inducing infringement, and/or has actively induced infringement,  
17 operates, at least in part, in accordance with and/or complies at least in part with "DVD  
18 Specifications for read-Only Disc, Part 3 VIDEO SPECIFICATIONS," Version 1.13, March  
19 2002, published by DVD Format/Logo Licensing Corporation.  
20

21 20. Plaintiff has suffered damages by reason of Defendant's active inducement of  
22 infringement of the Patent, and will suffer additional damages unless Defendant is enjoined by the  
23 Court from continuing to actively induce the infringement of the Patent.  
24

25 21. On information and belief, Defendant's active inducement of the infringement of the  
26 Patent has been willful and deliberate, thus warranting an increase of the damages recoverable by  
27  
28

Complaint for Patent Infringement

Case No.: \_\_\_\_\_ Technology Licensing Co v. Curtis International Ltd

1 Plaintiff under the provisions of 35 U.S.C. § 284, up to three times the amount of actual damages  
 2 sustained by Plaintiff, and also making this an exceptional case within the meaning of 35 U.S.C. §  
 3 285.  
 4

### 5 6 COUNT III

#### 7 (Contributory Infringement)

8  
9 22. This COUNT is instituted against Defendant for contributory infringement the Patent.

10 23. Plaintiff repeats and realleges the allegations set forth in paragraphs 1-5.

11 24. On information and belief, the embodiments of the invention made and sold by  
 12 Defendant to persons in this Judicial District and elsewhere in the United States constitute a  
 13 material part of embodiments of the invention of the Patent. On further information and belief,  
 14 Defendant knew and knows that such manufacture and sale of embodiments of the invention were  
 15 and are especially made or especially adapted for use in infringement of the claims of the Patent,  
 16 and that the embodiments of the invention were and are not staple articles or commodities of  
 17 commerce suitable for substantial non-infringing use. Accordingly, on further information and  
 18 belief Defendant has contributory infringed, and/or is contributory infringing, in this Judicial  
 19 District and elsewhere in the United States the claims of the Patent.  
 20

21 25. On information and belief, at least one embodiment of the invention of the Patent  
 22 which Defendant is contributory infringing, and/or has contributory infringed, operates, at least in  
 23 part, in accordance with and/or complies, at least in part, with technical standards generally  
 24 adhered to by the DVD Player Industry.  
 25  
 26  
 27  
 28

Complaint for Patent Infringement

Case No.: \_\_\_\_\_ Technology Licensing Co v. Curtis International Ltd

28. On information and belief, Defendant's contributory infringement of the Patent has been willful and deliberate, thus warranting an increase of the damages recoverable by Plaintiff under the provisions of 35 U.S.C. § 284, up to three times the amount of actual damages sustained by Plaintiff, and also making this an exceptional case within the meaning of 35 U.S.C. § 285.

(b) For decree and judgment against Defendant and all in privity with Defendant, that the Patent is, and has been, infringed by Defendant and that Defendant is liable as a patent infringer;

1 (c) For decree and judgment against Defendant and all in privity with Defendant, that the  
 2 Patent is, and has been, infringed by active inducement of infringement by Defendant and that  
 3 Defendant is liable as an active inducer of infringement;  
 4

5 (d) For decree and judgment against Defendant and all in privity with Defendant, that the  
 6 Patent is, and has been, contributory infringed by Defendant and that Defendant is liable as a  
 7 contributory infringer;  
 8

9 (e) For an accounting for, and an assignment of, an award of profits derived by Defendant  
 10 and damages suffered by Plaintiff in consequence of the patent infringement, the active  
 11 inducement of patent infringement, and the contributory infringement, of the Patent;  
 12

13 (f) For a decree and judgment against Defendant trebling the profits derived by Defendant  
 14 and damages suffered by Plaintiff pursuant to statute (e.g., 35 U.S.C. § 284);  
 15

16 (g) For an injunction permanently enjoining Defendant, its officers, agents, servants,  
 17 employees, attorneys and all those in active concert, participation or privity with Defendant from  
 18 further infringement, and/or active inducement and/or contributory infringement , in any form  
 19 what ever, of the Patent;  
 20

21 (h) For the costs of this suit, reasonable attorney's fees as provided by statute (e.g., 35  
 22 U.S.C. § 285), and an assessment of interest and cost against the Defendant;  
 23

24 (i) For prejudgment interest at the maximum rate allowed by law;

25 (j) For post judgment interest at the maximum rate allowed by law, from the date of the  
 26 judgment until paid; and  
 27

28 (k) For such other and further relief which should appear just and equitable to this Court.

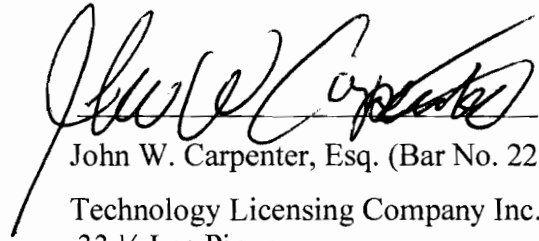
Complaint for Patent Infringement

Case No.: \_\_\_\_\_ Technology Licensing Co v. Curtis International Ltd

**DEMAND FOR JURY TRIAL**

In accordance with Civil Local Rule No. 3-6, Plaintiff requests for a trial by jury.

Respectfully submitted,



John W. Carpenter, Esq. (Bar No. 221708)

Technology Licensing Company Inc.  
33 ½ Los Pinos  
Nicasio, CA 94946  
Telephone: (415) 577-0698  
Facsimile: (866) 410-6248  
Email: john@jwcarpenterlaw.com

Attorneys for Plaintiff  
Technology Licensing Company Inc.

TLC  
33 ½ Los Pinos  
NICASIO, CALIFORNIA 94946

Complaint for Patent Infringement

Case No.: \_\_\_\_\_ Technology Licensing Co v. Curtis International Ltd